

REMARKS

Applicant wishes to thank the Examiner for his careful review of this application. In the Office Action dated November 14, 2005, the Examiner indicated that dependent claims 5, 6, 24 and 25 are allowable if rewritten in independent form and rejected the remaining claims as being either anticipated by or obvious in view of the cited references. Accordingly, Applicant has amended claims 5, 6, 24 and 25 into independent form. Applicant has also amended independent claims 1, 7, 17, and 29, and dependent claims 2-4 and 18 to further clarify the claimed invention. A clean copy of the amended claims is also provided herewith for the Examiner's convenience. Please reconsider this application in view of the above amendments and the following remarks.

Disposition of the claims

Claims 1-29 are currently pending. Claims 1-7, 17, 18, 24, 25, and 29 are currently amended. The remaining claims are as originally filed. Claims 1, 5, 6, 7, 17, 24, 25, and 29 are independent. The remaining claims dependent, directly or indirectly, from the independent claims.

Amendment to the claims

As suggested by the Examiner, claims 5, 6, 24 and 25 have been rewritten in independent form, incorporating all limitations of their respective independent and any intervening dependent claims. No new matter has been added.

In addition, independent claim 1 has been amended to incorporate the "apparatus main body" and the "plurality of cassettes" limitations of claim 2 and the "vertical oblong" limitation of claim 3. The language has also been modified to further clarify the invention.

Accordingly, claim 2 has also been amended to avoid redundancies and claims 3-4 have been amended to depend from claim 1. No new matter has been added.

Independent claim 7 has been amended to include the “at least one freely detachable cassette” limitation. Support for this limitation can be found, for example, in paragraph [0009] of the original filed specification. In addition, both claims 7 and 17 have been amended to include the “individually adjustable” limitation. Support for this limitation can be found, for example, in paragraph [0006] of the original specification. These amendments are made to further clarify the claim invention. No new matter has been added.

Claim 17 has been amended to recite the “front surface opening” limitation of claim 18 and to add the “holding mechanism is freely removable from the apparatus main body” limitation. Support for the “opening” limitation can be found, for example, in paragraph [0025] of the original specification and original claim 18. Support for the “freely removable” limitation can be found, for example, in Figure 20 and the associated text. Accordingly, claim 18 has been amended to remove redundancy. No new matter has been added.

Claim 29 has been amended to add the “rod member having a base” limitation. Support for the “base” limitation can be found, for example, in Figures 23A and B and the associated text. No new matter has been added.

Applicant believes that the claims as amended have addressed the issues raised by the Examiner and are in condition for allowance. To the extent that the rejections may still apply, Applicant respectfully traverses the rejections as follows.

Rejections under 35 U.S.C. §102(b)

Claims 1-3 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,669,290 ("Natsumi").

Claim 1, as amended, recites an apparatus for cooking food on skewers comprising a plurality of holding members, rotating means, an apparatus main body, a plurality of cassettes removably mounted to the main apparatus body, and heating means for cooking food skewered by the skewer. The cassettes each have at least one holding member for holding the skewers. The rotation means include a plurality of rotational drive sources that are separately adjustable and are respectively connected to the holding members. The cassettes are mounted on the apparatus main body such that at least two of the cassettes form a vertical column and that the overall shape of the apparatus main body is oblong.

Natsumi teaches a revolving grilling apparatus comprising a main body provided with heating means, a plurality of holding cartridges for holding skewers, rotating means for rotating the holding members, and a plurality of holding stations for placing the holding cartridges.

Claim 1, as amended, is not anticipated by the grilling apparatus of Natsumi because the cartridges in the grilling apparatus of Natsumi are not capable of being mounted on the main body in a vertical column, as required by claim 1. As shown in Figure 1 of Natsumi, the cartridges are mounted on the main body via a spit-holding base (1A) along a range. This configuration only allows side-by-side mounting of cartridges. It would be physically impossible to mount the cartridges in a vertical column without materially altering the grilling apparatus. A cooking apparatus that is capable of mounting the cassettes in a vertical column as

recited in claim 1, and exemplified by at least Figure 17, has the advantage of conserving storage space, which is a significant benefit for small kitchens. This advantage is neither taught nor suggested by Natsumi.

Because Natsumi does not show or suggest all the limitations of claim 1, claim 1 is patentable over Natsumi. Dependent claims 2 and 3 are also patentable over Natsumi for at least the same reasons. In view of the above, withdrawal of this rejection is respectfully requested.

Claims 7-9, 11-20, 23 and 28 are rejected as being anticipated by U.S. Patent No. 2,588,046 ("Ridgely").

The cited reference, Ridgely, discloses a rotisseries cooking device that has a main body, a drawer for containing heating coals, and two swing doors each comprising a pair of up-right supports and a spit rotatably mounted on the supports (col. 3, lines 48-56).

With regard to independent claim 7, the claim, as amended, recites a cooking apparatus comprising a main apparatus body, at least one freely detachable cassette with holding members for holding food on skewers, and rotating means for rotating the holding members that are individually adjustable for each cassette.

In this instant case, Applicant believes that the Examiner has mischaracterized the cooking device of Ridgely. Specifically, the Examiner asserted that elements 26, 27, 28 of the cooking device of Ridgely are the same as the cassettes of claim 7. In fact, these elements are clearly not "cassettes" and would not be recognized as "cassettes" by anyone skilled in the art. For example, element 28 is described in Ridgely as a "drawer" (col. 3, line 50). Elements 26 and 27 are described as "swingable doors" (col. 3, lines 48-49). The doors are shown as attached to

the main apparatus body via hinges (col. 7, lines 5-6), which are *not* freely detachable from the main apparatus body. Furthermore, the rotating mechanism as disclosed by Ridgely is *not* individually adjustable as required by claim 7. For at least these reasons, claim 7 is patentable over Ridgely. Dependent claims 8, 9, 11-16 are also patentable over Ridgely for at least the same reasons.

With regard to independent claim 17, the claim, as amended, recites an apparatus for cooking skewered food comprising a main apparatus body having a wall member with a front surface opening, a heater positioned at an upper part of the cooking space, and a food holding mechanism that is freely removable from the main apparatus body.

In the apparatus of Ridgely, the food holding mechanism comprises the spits and the hollow stub shaft for receiving holding and connecting the spits to the rotation mechanism, as shown in Figure 1 of Ridgely. In this configuration, while the spits may be removed, the holding mechanism as a whole is an integral part of the main body apparatus and is *not* freely removable. One advantage of having a freely removable mechanism as recited in claim 17 is that it can be easily replaced or removed for cleaning.

Because Ridgely neither show nor suggest all limitations of claim 17, the claim as recited is patentable over Ridgely. Dependent claims 18-20, 23, and 28 are also patentable over Ridgely for at least the same reasons.

In view of the above, withdrawal of this rejection is respectfully requested.

Claim 29 is rejected as being anticipated by U.S. Patent No. 3,363,543 ("Roberts").

Claim 29, as amended, claims a holding member for holding a skewer for skewering food comprising a rod member having a base and a hole adapted to receive one end of the skewer, and a pair of mesh members supported at the base of the rod member.

Roberts discloses a barbecue grill apparatus and a food basket including a circular shaft, a handle mounted on one end of the shaft and a spring loaded basket.

Applicant respectfully submits that Roberts is not an appropriate reference because Roberts does not provide sufficient description to allow one skilled in the art to ascertain the exact structure of the holding member in question. For example, the food basket shown in Figure 2 is described only in one paragraph starting from column 3, line 57. The text merely mentions that the food basket includes a circular shaft, and handled mounted on one end of the shaft and a spring loaded basket, but does not describe how the basket is supported or how the shaft is connected to the basket. The figures are also unclear on this point. For example, figure 2 shows the shaft as running through the basket which has a piece of food clamped inside. It is not clear from the figure whether the shaft actually acts as a skewer and merely threads through the basket or whether the shaft and the basket form a physically integral object. Absent any clear description of the structure of the basket, one cannot determine whether the “supported at the rod member” limitation of the original claim reads on the disclosed food basket.

The above ambiguity notwithstanding, Roberts cannot be considered to anticipate amended claim 29 because Roberts clearly does not show or suggest a rod member having a base and a pair of mesh members supported at the base. An example of such a base is shown at least in Figure 23A of the present application. Compare with the food basket of Roberts, such a holding member has at least the advantage of being more stable and may guard against the food from sliding down when held in the upright position.

In view of the above, claim 29 is patentable over Roberts. Withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. §103(a)

Claim 4 is rejected under 35 U.S.C. §103(a) as being obvious over Natsumi in view of U.S. Patent No. 2,306,519 (“Bobo”).

In the Office Action, the Examiner rejected this claim by citing Natsumi as meeting the limitations of claims 1-3 and then relied on Bobo to provide the further limitation of a “juice receiving member” recited in claim 4.

Claim 4 has been amended to depend from claim 1. As set forth above under the 102(b) section, Natsumi does not disclose at least the “plurality of cassettes” and the “vertical column” limitations required by claim 1. Because neither Natsumi nor Bobo shows or suggests at least these limitations, the combination of Natsumi and Bobo do not meet all limitations of claim 1, and, therefore, do not render claim 1 *prima facie* obvious. For at least the same reasons, dependent claim 4 is also patentable over Natsumi and Bobo. Withdrawal of this rejection is respectfully requested.

Claims 10, 26, and 27 are rejected under 35 U.S.C. §103(a) as being obvious over Ridgely in view of Bobo. Applicant notes that claim 10 depends directly from independent claim 7 while both claims 26 and 27 depend directly from independent claim 17.

With regard to claim 10, the independent claim (claim 7) is directed to an apparatus for cooking comprising a main apparatus body, at least one freely detachable cassette provided with holding members, and rotating means individually adjustable for each cassette. Claim 10 further limits claim 7 to comprise a “juice receiving member”. The Examiner relied on

Ridgely for teachings of all limitations recited in claim 7 and further cited Bobo as supplying teachings for a juice receiving member (a “grease tray”). However, as set forth above in the 102(b) section, Ridgely does not teach or suggest freely detachable cassettes or rotating means individually adjustable for each cassette. Bobo also does not teach or suggest an individually adjustable rotation mechanism. Thus, Ridgely and Bobo, whether considered separately or combined together, do not meet all limitations of claim 7, and hence do not form a *prima facie* case of obviousness against claim 7. For at least these reasons, dependent claim 10 is also patentable over Ridgely and Bobo.

With regard to claims 26 and 27, amended independent claim 17 also recites the “individually adjustable” limitation. For at least the same reasons as set forth above, Ridgely and Bobo do not render claim 17 obvious. Therefore, the dependent claims are also patentable over Ridgely and Bobo for at least the same reasons.

In view of the above, withdrawal of this rejection is respectfully requested.

Claims 21 and 22 are rejected under 35 U.S.C. §103(a) as being obvious over Ridgely and U.S. Patent No. 2,485,359 (“Cook”).

Both claims 21 and 22 depend directly from independent claim 17. The Examiner cited Ridgely as meeting the limitations of the independent claim and relied on Cook to supply the further limitations of claims 21 and 22.

Cook discloses a conventional cooking stove or range that has no component parts capable of supporting and rotating skewers. Furthermore, Ridgely, as set forth above, does not teach or suggest the “individually adjustable” limitation of amended claim 17. Thus, Ridgely and Cook, whether considered separately or combined together, do not meet all

limitations of claim 17. Therefore, claim 17 is patentable over Ridgely and Cook. Dependent claims 21 and 22 are also patentable over Ridgely and Cook for at least the same reasons.

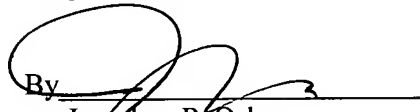
In view of the above, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 17063.004001).

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Respectfully submitted,

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Attachments: Clean copy of the claims

Clean Copy of the Claims

1. (Currently Amended) An apparatus for cooking food on skewers, comprising:
 - a plurality of holding members for holding skewers for skewering food;
 - rotating means for rotating the holding members;
 - an apparatus main body;
 - a plurality of cassettes removably mounted to the main apparatus body; and
 - heating means for cooking food skewered by the skewers;wherein:
 - each of the plurality of cassettes is provided with at least one of the plurality of holding members,
 - the rotating means includes a plurality of rotational drive sources with adjustable speeds of rotation respectively connected to the plurality of holding members, and
 - at least two of the plurality of cassettes are mounted in a vertical column on the main apparatus body such that the main apparatus body is oblong in shape.
2. (Currently Amended) The apparatus according to claim 1, wherein:
 - the holding means and the rotational drive sources are arranged at the respective cassettes so that it is possible to adjust rotational speed of the holding members for each respective cassette.
3. (Currently Amended) The apparatus for cooking food on skewers as disclosed in claim 1,
 - wherein all of the plurality of cassettes are mounted on the apparatus main body such that they form one single column.

4. (Currently Amended) The apparatus for cooking food on skewers according to claim 1, further comprising:

a juice receiving member, for receiving juice created during cooking of the food skewed by the skewers supported by the holding members provided at upper side cassettes of the plurality of cassettes installed at the main apparatus body with a vertical positional relationship, arranged at a position on a lower side from the holding members of cassettes on the upper side.

5. (Currently Amended) An apparatus for cooking food on skewers, comprising:

a plurality of holding members for holding skewers skewering food;
rotating means for rotating the holding members; and
an apparatus main body provided with heating means for cooking food skewered by the skewers,

wherein:

the rotating means includes a plurality of rotational drive sources with adjustable speeds of rotation, with the rotational drive source being respectively connected to at least one of the plurality of holding members, and with rotational speeds of the plurality of holding members being adjustable;

the holding means and the rotational drive sources are arranged at the respective cassettes so that it is possible to adjust rotational speed of the holding members for each respective cassette; and

the heating means adopts a dual surface heating method where surfaces on mutually opposite sides are heating surfaces, the cassettes are arranged at positions opposite the respective heating surfaces of the heating means, and axial directions of central axes of rotation of the holding members provided at the cassettes are in directions parallel with the heating surfaces.

6. (Currently Amended) An apparatus for cooking food on skewers, comprising:

a plurality of holding members for holding skewer skewing food;

rotating means for rotating the holding members;

an apparatus main body provided with heating means for cooking the food skewered by the skewers rotated by the rotating means, and a plurality of cassettes capable of being freely detached from and installed at the main apparatus body,

wherein:

the rotating means includes a plurality of rotational drive sources with adjustable speeds of rotation, with the rotational drive source being respectively connected to at least one of the plurality of holding members, and with rotational speeds of the plurality of holding members being adjustable;

the holding means and the rotational drive sources are arranged at the respective cassettes so that it is possible to adjust rotational speed of the holding members for each respective cassette; and

the main apparatus body is a box with the heating means arranged within the box, the cassettes pass through an opening formed in the main apparatus body so as to be inserted into the main apparatus body in a freely removable manner, so that when all of the cassettes are inserted into the opening so as to be installed, the inside of the main apparatus body is a sealed space or a substantially sealed space.

7. (Currently Amended) An apparatus for cooking food on skewers, comprising:
 - a main apparatus body;
 - at least one freely detachable cassette provided with holding members for holding food on skewers; and
 - rotating means for rotating the holding members, wherein:
 - the rotating means are individually adjustable for each cassette,
 - the main apparatus body contains a cooking space for cooking the food, and at least one opening formed in the main apparatus body for enabling the cooking space and the outside of the main apparatus to communicate and for extracting and inserting the at least one cassette in the main apparatus body, and
 - the cooking space becomes a sealed or substantially sealed space when all the cassettes are inserted into the opening so as to be installed at the opening.
8. (Original) The apparatus for cooking food on skewers as disclosed in claim 7, wherein heating means for cooking the food is located at the main apparatus body.
9. (Original) The apparatus for cooking food on skewers as disclosed in claim 7, wherein heating means for cooking the food is located at the cassette.
10. (Original) The apparatus for cooking food on skewers as disclosed in claim 7, wherein a juice receiving member for receiving juice created during cooking of the food is provided positioned at a side lower than the holding member of the cassette.
11. (Original) The apparatus for cooking food on skewers as disclosed in claim 7, wherein the number of cassettes provided is a plurality, the number of the cooking spaces is the same as the number of cassettes, with the cooking spaces being mutually partitioned so as to be non-continuous partitioned spaces.
12. (Original) The apparatus for cooking food on skewers as disclosed in claim 11,

wherein heating means for cooking the food are provided respectively at each of the cooking spaces at the main apparatus body.

13. (Original) The apparatus for cooking food on skewers as disclosed in claim 11, wherein heating means for cooking the food are provided respectively at each of the cassettes.
14. (Original) The apparatus for cooking food on skewers as disclosed in claim 11, wherein at least two cooking spaces of the plurality of cooking spaces are provided with a vertical positional relationship within the main apparatus body.
15. (Original) The apparatus for cooking food on skewers as disclosed in claim 12 or claim 13, wherein heating temperatures of respective heating means can be individually adjusted.
16. (Original) The apparatus for cooking food on skewers as disclosed in claim 7, wherein a see-through part enabling the cooking space within the main apparatus body to be observed from outside of the main apparatus body when the cassette is inserted in the opening is provided in the main apparatus body.
17. (Currently Amended) An apparatus for cooking skewered food constituted by food and a skewer skewering the food, comprising:
 - a main apparatus body having a wall member forming a cooking space supporting food being cooked therein and a front surface opening provided thereon;
 - a heater provided in such a manner that a heat-emitting section is positioned at an upper part of the cooking space; and
 - a food holding mechanism for positioning food downwards from the heat-emitting section and being capable of holding horizontally laid skewers in a manner enabling free rotation about a center axis of the skewers wherein the holding mechanism is freely removable from the main apparatus body and the rotation speed of the skewers are individually adjustable.

18. (Currently Amended) The apparatus for cooking food on skewers as disclosed in claim 17, wherein
the main apparatus body further comprises a door member for covering the opening.
19. (Original) The apparatus for cooking food on skewers as disclosed in claim 18,
wherein the food holding mechanism includes a guide mechanism providing guidance in a free-moving manner between the cooking space and outside so as to pass skewered food held by the food holding mechanism through the opening.
20. (Original) The apparatus for cooking food on skewers as disclosed in claim 18,
wherein the wall member has at least a pair of side surface wall members, an upper surface wall member, a front surface wall member, and a back surface wall member,
the pair of side surface wall members form side surfaces for both sides of the cooking space,
the upper surface wall member forms an upper surface of the cooking space,
the front surface wall member forms a part above the opening of the front surface of the cooking space, and
the back surface wall member forms a back surface of the cooking space.
21. (Original) The apparatus for cooking food on skewers as disclosed in claim 17,
wherein the wall member has a first ventilation hole communicating with the outside at an upper part of the cooking space.
22. (Original) The apparatus for cooking food on skewers as disclosed in claim 17,
wherein the wall member has a first ventilation hole communicating with the outside at an upper part of the cooking space and a second ventilation hole communicating with the outside at a lower part of the cooking space.
23. (Original) The apparatus for cooking food on skewers as disclosed in claim 17,

wherein the food holding mechanism has a holding member for holding one end of a skewer and a rotating mechanism for rotating the holding member about an axial center of the skewer.

24. (Currently Amended) An apparatus for cooking food on skewers, comprising:
- a main apparatus body having a wall member forming a cooking space supporting food being cooked therein;
 - a heater provided in such a manner that a heat-emitting section is positioned at an upper part of the cooking space; and
 - a food holding mechanism for positioning food downwards from the heat-emitting section and being capable of holding horizontally laid skewers in a manner enabling free rotation about a center axis of the skewers,
- wherein the food holding mechanism has a holding member for holding one end of a skewer and a rotating mechanism for rotating the holding member about an axial center of the skewer, and
- the holding member has a rod member provided with a hole for one end of the skewer to plug into, and a branching member with one end supported at the rod member, an extending in a standing position along the skewer towards the side of the food.

25. (Currently Amended) An apparatus for cooking food on skewers, comprising:
- a main apparatus body having a wall member forming a cooking space supporting food being cooked therein;
 - a heater provided in such a manner that a heat-emitting section is positioned at an upper part of the cooking space; and
 - a food holding mechanism for positioning food downwards from the heat-emitting section and being capable of holding horizontally laid skewers in a manner enabling free rotation about a center axis of the skewers,
- wherein the food holding mechanism has a holding member for holding one end of a skewer and a rotating mechanism for rotating the holding member about an axial center of the skewer, and

the holding member has a rod member provided with a hole for one end of the skewer to plug into, and a pair of mesh members extending along the skewer supported at the rod member and so as to sandwich the food from both sides.

26. (Original) The apparatus for cooking food on skewers as disclosed in claim 17, wherein the main apparatus body has a juice receiving member having a flat plate part positioned at the bottom of the cooking space inclined in one direction.

27. (Original) The apparatus for cooking food on skewers as disclosed in claim 17, wherein the main apparatus body has a juice receiving member having a flat plate part positioned at the bottom of the cooking space and being capable of receiving liquid dripping from above, and a covering plate with a plurality of holes for covering the upper surface of the flat plate part.

28. (Original) The apparatus for cooking food on skewers as disclosed in claim 17, wherein a wall surface of the wall member is metallic.

29. (Currently Amended) A holding member for holding a skewer for skewering food, comprising:

a rod member having a base and a hole adapted to receive one end of the skewer;

and

a pair of mesh members supported at the base of the rod member and extending along the skewer so as to sandwich the food from opposing sides.